

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN DOE,	:	No. 4:18-CV-00164
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
THE PENNSYLVANIA STATE	:	
UNIVERSITY,	:	
	:	
Defendant.	:	

**ORDER REFERRING CASE TO MEDIATION
AND APPOINTING MEDIATOR**

FEBRUARY 6, 2019

In accordance with the Civil Justice Reform Act of 1990 Expense and Delay Reduction Plan of the United States District Court for the Middle District of Pennsylvania and in accordance with the rules governing mediation set forth in Chapter VI of the Rules of the Middle District of Pennsylvania, **IT IS HEREBY ORDERED** that:

1. **Referral to Mediation:** This case shall be referred to the mediation process in an attempt to achieve an equitable settlement of the issues. The following individual is hereby appointed by the Court to serve as a mediator in this action:

Name of Mediator:	J. David Smith, Esquire
Address:	McCormick Law Firm 835 West Fourth Street Williamsport, PA 17701
Phone:	570-326-5131
Fax:	570-601-0248
Email:	dsmith@mcclaw.com

2. **Scheduling and Conduct of Mediation Conference(s):** The mediation conference(s) shall be scheduled and conducted in accordance with Rules 16.8.5 and 16.8.6 of the Middle District. The first such mediation session shall be held within one-hundred twenty (120) days of the date of this order at a time, date, and location to be set by the mediator.

3. **General Rules Governing the Mediation Conference:** All counsel and the mediator are to become familiar with Chapter VI, ALTERNATIVE DISPUTE RESOLUTION, of the Local Rules for the U.S. District Court, Middle District of Pennsylvania.

4. **Compensation of the Mediator:** In accordance with Rule 16.8.3 of the Middle District, the services of the mediator shall be provided pro bono.

5. The Clerk of Court is directed to cause a copy of this Order to be served upon all counsel of record in this matter and to the mediator and is further directed to make the file in this case available to the mediator, at his convenience.

No later than ten (10) days from the date of this Order, any party may file and serve written objections to this Order. Any such objections shall also be served upon the mediator. The absence of any such objection shall constitute acknowledgment and consent to the terms of this Order.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge

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THE PENNSYLVANIA STATE UNIVERSITY,	:	
	:	
Defendant.	:	

MEDIATION REPORT

In accordance with the Court's mediation order, a mediation conference was held on _____, and the results of that conference are indicated below:

(a) The following individuals, parties, corporate representatives, and/or claims professionals attended and participated in the mediation conference, and each possessed the requisite settlement authority:

- _____ All individual parties and their counsel.
- _____ Designated corporate representatives.
- _____ Required claims professionals.
- _____ Other (Describe). _____
- _____

(b) The following individuals, parties, corporate representatives, and/or claims professionals failed to appear and/or participate as ordered:

(c) The outcome of the mediation conference was:

_____ **The case has been completely settled.** Counsel will promptly notify the court of settlement by the filing of a settlement agreement signed by the parties and the mediator within ten (10) days of this report.

_____ **The case has been partially resolved.** Counsel have been instructed to file with the court, a joint stipulation regarding those claims which have been resolved within ten (10) days of this report. The following issues remain for this court to resolve:

_____ **The parties have reached an impasse.**

Done this _____ day of _____, 2019.

Signature of Mediator _____

Name of Mediator _____

Phone (____) _____ - _____